

FOR MYSORE STATE

Code P H (19548) Department

MS SERIES.

G.O. No. 34 69 P.H

Dated 16. 10. 48

[Despatch Abstract.]

Act. — M.P.H Amendment Act 1941 — Re-enacted as
Madras Act VIII of 1948 — papers — Recorded.

Extract of the Proceedings of the meeting of the Public Health Board held on the 29th November 1946.

The Public Health Board met at 11.0' clock on Friday the 29th November 1946 in the Committee Room, Secretariat Buildings, Fort St. George, Madras.

P r e s e n t.

1. The Honourable the Minister for Public Health (Chairman)
2. Major-General J.P. Huban, I.M.S., Surgeon-General.
3. Sri S. Ramachandra, Sanitary Engineer to Government.
4. K.M. Unnithan, Esq., I.C.S., Inspector of Local Boards and Municipal Councils, Madras.
5. Dr. T.S.S. Rajan, M.L.C.
6. Srimathi V. Lakshmi Ammal, M.L.A.
7. Rao Bahadur Dr. R.M. Mathew, Director of Public Health (Secretary).

Rao Sahib Dr. R. Anantan Pillai, Assistant Director of Public Health in charge of Environmental Hygiene, was also present.

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II. Re-enactment of the Madras Public Health (Amendment) Act, 1944-
(Madras Act No. IV of 1944):

Dr. Rajan said that Leprosy was not after all as dangerous a disease as people imagined and the penal provisions in the Act were too cruel. Leprosy was infectious only at a particular stage and even then, it affected generally only children who had close and continued contact with such infectious people. He was therefore of opinion that there was no need for such a legislation and that it would be quite enough if the persons suffering from infectious forms of leprosy were segregated during the nights without affording an opportunity for others to come into contact with them and that this could best be done by educating the public.

The Chairman explained the constitutional position by saying that the Act would lapse if it was not reenacted by the Legislature, as it was an Act enacted under the Section 93 regime. The Surgeon-General was of opinion that only certain clauses of the Amended Act were necessary and the Director of Public Health said that there was sufficient provision in the original Public Health Act itself for dealing with such matters.

The Board was therefore of opinion that there was no necessity to re-enact the Amended Act and that it might be allowed to lapse by time.

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GOVERNMENT OF MADRAS
Education and Public Health Department.

Memorandum No. 18671/46.3 E.1 P.H. dated 6th February 1947

Sub: ACTS PASSED DURING SECTION 93 SITUATION - Re-enactment.
Ref: From the Director of Public Health, D.No.295-HYG/46 dated the 23rd December 1946.

The Public Health Board has in paragraph II of its proceedings dated the 29th November 1946 expressed the opinion that there is no necessity to re-enact the Madras Public Health (Amendment) Act 1944 (Madras Act IV of 1944) and that it may be allowed to lapse. The Director of Public Health is requested to offer his views in the matter and say whether he agrees with the Public Health Board.

Sd/Secretary to Government.

To the Director of Public Health

From

Rao Bahadur Dr. R. M. Mathew,
D.P.H. (Camb.),
Director of Public Health,
M a d r a s.

To

The Secretary to Government,
Education and Public Health
Department, Fort St. George,
M a d r a s.

R.No. 50633-6/Epi. dated 29th May 1947.

Sir,

Sub: LEPROSY - Act passed during Section 93 situation -
Re-enactment.

Ref: Government Memorandum No. 18671/46-E.B* dated P.H.
dated 6-2-1947; 18671/46-5 E1-PH dated 2-5-1947 and
18671/46-6E.1 P.H. dated 22-5-1947.

The question of legislation for the control of leprosy was discussed at the recent meeting of the ad hoc committee on Leprosy, constituted by Government. The following is an extract of the Proceedings of the Committee in the matter.

"Resolved that the Surgeon-General with the Government of Madras, the Director of Public Health and the Honorary Director of Leprosy Campaign should form a sub-committee in order (1) to prepare a memorandum on Leprosy to be issued by Government and (2) to suggest the necessary amendments to the Public Health Act to provide a limited amount of Segregation in areas where active measures are being taken for the control of leprosy."

As soon as the draft legislation proposed in item (2) above is drawn up by the sub-committee and approved by the ad-hoc Committee, the same will be forwarded to the Government.

Sd/ for Director of Public Health.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

MEMORANDUM FOR LEGISLATION UNDER SECRETARIAT INSTRUCTION 32(2).

THE MADRAS PUBLIC HEALTH (AMENDMENT) ACT 1941 and
THE MADRAS PUBLIC HEALTH (AMENDMENT) ACT 1944 -
Re-enactment of.

The Madras Public Health Act, 1939, came into force in March 1939 during the regime of the first Congress Ministry. Two amending Acts have subsequently been passed during the section 93 situation, namely, Madras Acts XIX of 1941 and IV of 1944.

2. The main purpose of the first amending Act, Madras Act XIX of 1941, was to remove certain administrative difficulties experienced in giving effect to the provisions of the Madras Public Health Act, 1939, remove certain ambiguities in language, and simplify the procedure in certain cases. The amending Act did not raise any question of principle or policy nor did it depart in any way from the main scheme adumbrated by the Congress Ministry. A Bill containing the proposals was published in the Fort St. George Gazette for general criticism. No material objection or criticism having been received, the Bill was finally enacted almost in the same form in which it was originally published. A copy of the Act, together with a Statement explaining in detail the necessity for each amending section is attached. A copy of the principal Act in its unamended form is also attached for reference.

3. Madras Act XIX of 1941, like other Acts passed during the Section 93 situation, will cease to be in force on the 30th April 1948, unless it is re-enacted. As the reasons for re-enacting the Act continue to hold good, it has been suggested that it may be re-enacted without any modification.

4. The purpose of the second amending Act, Madras Act IV of 1944, was to make separate provision for the treatment and control of leprosy. Its main provisions relate to the making of arrangements for the free diagnosis and treatment of leprosy, for the prevention of infection, for restricting the employment of persons suffering from leprosy, for declaring any area as a "special area" for leprosy, for restricting the movements of persons suffering from leprosy in such areas, for notifying any area as a "segregation area" for requiring persons who were suffering from leprosy to obtain certificates from qualified medical practitioners that they are non-infectious. As these matters involved a major modification of the policy in regard to treatment of leprosy, a Bill containing the proposals was published in the Fort St. George Gazette for public criticism. After taking into consideration the suggestions and criticisms received from the medical profession and the public, it was finally enacted as the Madras Public Health (Amendment) Act, 1944 (Madras Act IV of 1944). A copy of the Act is annexed. This Act also will cease to be in force on the 30th April 1948, unless it is re-enacted. It is, however, considered that as leprosy is infectious only at a particular stage and as even then it affects mostly children who come in close and continued contact with infected persons, it would be sufficient to segregate persons suffering from infectious forms of the disease during nights. It is also proposed to amend in due course the main Act so as to provide for a limited amount of segregation in areas where active measures are being taken for the control of leprosy. For these reasons, it has been suggested that the amending Act need not be re-enacted, but may be allowed to lapse.

5. Orders are solicited (1) whether the Madras Public Health (Amendment) Act, 1941 (Madras Act XIX of 1941) may be re-enacted permanently without any modification, and (2) whether the Madras Public Health (Amendment) Act 1944 (Madras Act IV of 1944) may be allowed to lapse. The Legal Department have advised that the legislation falls under Entry 14 of the Provincial Legislative List and Entry 2 of the concurrent Legislative List and that it is intra vires the Provincial Legislature.

ANNEXURE.

(Madras Acts XIX of 1941, IV of 1944 and III of 1939).

LEGAL DEPARTMENT.

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The Madras Public Health (Amendment) Act, 1941, has been re-enacted for a period of one year by Madras Act VIII of 1948 - please see the Third Schedule to the said Act. The Act was published in an extraordinary issue of Part IV-B of the Fort St. George Gazette dated the 28th April 1948.

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xx/6.10.1948

Asst. Secy.

E.&P.H. Deptt. (E1)

Please see the notes of Legal above. The papers may now be

G.O. (Ms) No. 3469 P.H. dated the 16th October 1948.

R e c o r d e d.

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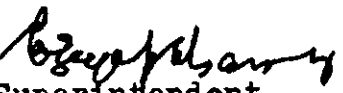
Secretary to Government.

Abstract: ACT - Madras Public Health (Amendment) Act, 1941 - Re-enacted as Madras Act VIII of 1948 - Papers - Recorded.

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/True copy/

Sk.


Superintendent,
Madras Record Office, Egmore.

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